

1 improved." That was something that you put in? Right?

2 A Yes, I did.

3 Q All right. And that was after you went to
4 the home?

5 A Yes.

6 Q Now I would like to refer you to Mass Media
7 Exhibit 21, page 11, No. 33.

8 A Yes.

9 Q Okay. This was information that you
10 transmitted to counsel?

11 A Yes.

12 Q All right. And page 48 of that exhibit. Now
13 that note at the top was something that you prepared,
14 at the top of page 48?

15 A Yes.

16 Q Is that the same note or a different note
17 from the one that appears on the top of Mass Media
18 Exhibit No. 19, page 68?

19 A It looks to be the same.

20 Q All right. It is the same information, but
21 it is attached to a different document. Correct?

22 A Yes, a different date on it.

23 Q All right. Now, but we are talking about one
24 visit, aren't we?

25 A There was two visits. I failed to get it

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1 here, in my testimony here. There was two visits to
2 the Freemans' home.

3 Q Okay. That first visit that you are talking
4 about is the one in November of 1988?

5 A Yes.

6 Q But there was one visit in 1989? Right?

7 A I went with a string filter the first time,
8 and Mr. Freeman let me in. And I went, on the door I
9 saw when it opened up, it opened up into a small
10 bedroom. And I knocked and Mr. Freeman opened the
11 door. And there was a small TV set setting on the
12 chest of drawers here in the bedroom, and Mr. Freeman
13 seemed to have been some kind of an engineer in the
14 service.

15 Q Right. He was a radio engineer in World War
16 II.

17 A Okay, all right. And he said that he knew
18 how to install it. He said, "Give me the string
19 filter." And he said, "Oh, I know how that theory
20 works." "Yeah, I know that," he said. And he put it
21 on the small TV, and he agreed that it did help to
22 improve the reception. And he had a TV going in the
23 other room, and he said, "I am watching something on
24 that. I don't want you to do anything." He said, "So
25 just leave me a filter for it." And I said, "All

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1 right." And so I left him a filter for that one.

2 Q All right. And the filter that you left at
3 that time was the string filter? Correct?

4 A It was the string filter, yes. And Mr.
5 Freeman said that he understood the string filter.

6 Q Okay. Now as it turns out, though, the
7 Freemans did submit subsequent complaints?

8 A Yes, and I went back with an O-75. And at
9 that time, went into the living room area. I found out
10 that there was another door that I was supposed to go
11 through, and I went to the right door at that time.
12 And he said, "I will install the filter myself." It
13 was the O-75. He put it on, turned it to Channel 4. I
14 said, "What is on Channel 4?" He said, "Nothing. But
15 if it clears that up, I know it works." And then we
16 turned -- I said, "Well, let's try some of the other
17 channels." And he did, and it was a definite
18 improvement, and he said there was. But he took it off
19 and laid it on top of the TV set, and that is where it
20 was when I left.

21 Q All right. I would like you to turn to Mass
22 Media Exhibit 6.

23 A Six?

24 Q Page 6.

25 A Page 6?

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1 Q Do you recall receiving this document?

2 A Yes.

3 Q On or about December 2, 1989, which is the
4 date reflected?

5 A It would be a couple of weeks later than
6 that, yes.

7 Q All right. You read through this?

8 A Yes.

9 Q Do you see paragraph 5?

10 A Yes, I see it.

11 Q Okay. You had read it at about that time?

12 A Yes, I read it, uh-huh.

13 Q Do you recall what, if anything, that you did
14 in response to that?

15 A I called, and Mr. -- I don't whether I talked
16 with -- I think I talked to Mr. Freeman each time. And
17 he said that he would let me know when to come because
18 there was good days and there was bad days, and he
19 would call me on a bad day so that he would know then
20 for sure if the filter worked. But he never did. He
21 never did call me on a bad day, on a good or bad day
22 either one.

23 Q Okay. Did you ever have occasion to speak
24 with Clara Freeman?

25 A No, I did not.

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1 Q Now moving on to paragraph 29.

2 A Yes.

3 Q Now there is an explanation in here, is there
4 not, of why you didn't go to the Ellis household in
5 1989?

6 A Yes.

7 Q And that is because you believed that they
8 were located outside of the blanketing contour?

9 A That is correct.

10 Q Now when did it come to your attention that
11 the Ellises were not outside the blanketing contour?

12 A I really don't recall right now.

13 Q Well, I am looking at the last sentence on
14 page 23 that carries over to page 24, and I am just
15 wondering if you could be a little bit more specific
16 about, you know, when it was that you actually learned?

17 A I don't recall a date, sir. I really don't.

18 Q Okay. How about an approximate time?

19 A I really don't. I just don't recall right
20 now.

21 Q All right. Now in terms of learning they
22 were within the blanketing contour, do you recall how
23 you learned that information?

24 A No, not right now I don't recall.

25 Q I mean, whether it was from Mr. Lampe or

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1 | whether you learned it from the Commission?

2 | A I don't think I ever talked to Mr. Lampe
3 | about them.

4 | Q You do know now that the Ellises are well
5 | known to the Lampes?

6 | A Yes, I do now.

7 | Q I mean, to Mr. Lampe?

8 | A Yes, I do now.

9 | Q Okay. But that was only recent?

10 | A Yes.

11 | Q Within the last couple of weeks?

12 | A No, that was when we went there in 1991.

13 | Q In '91 you heard that?

14 | A In February of '91.

15 | Q All right.

16 | A Well, I just surmised from hearing them talk
17 | that they knew each other well.

18 | Q All right. Now moving on to paragraph 32.
19 | Is it your recollection that the Garrisons' complaints
20 | were confined to their reception?

21 | A When I called them, that is what they said.

22 | Q Did you check any of the Garrisons'
23 | complaints before going out to the household to
24 | determine whether television reception was their only
25 | problem?

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1 A I didn't recall if I did or not. They had --
2 he had told me Channel 6. She had told me Channel 15.

3 Q Now with respect to Mr. Crutchfield, who
4 appears in paragraph 33.

5 A Yes.

6 JUDGE STIRMER: Well, wait a minute. Let me
7 ask, with respect to Mr. Garrison, you say in your
8 testimony -- and I am referring to the middle of
9 paragraph 32 -- that Mr. Lampe installed two filters on
10 his TV set.

11 THE WITNESS: Yes, sir.

12 JUDGE STIRMER: Was that two filters on one
13 set?

14 THE WITNESS: Yes.

15 JUDGE STIRMER: All right, go ahead.

16 MR. SHOOK: Okay.

17 BY MR. SHOOK:

18 Q With respect to Mr. Crutchfield, who appears
19 in paragraph 33, now the second sentence, which begins
20 on the bottom of page 26 and continues over to page 27,
21 and then the next two sentences after that. Is the
22 only person who went to the Crutchfield household at
23 this time Mr. Stewart?

24 A Yes.

25 Q And he was the one who told you about this?

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1 A Yes.

2 Q He told you about Mr. Crutchfield's booster?

3 A Yes.

4 Q All right. So the sixth line down, where it
5 says, "I first spoke to him on December 30, 1988," that
6 is your first conversation with him?

7 A That was my first conversation with Mr.
8 Crutchfield. Yes, sir.

9 Q All right.

10 MR. SHOOK: Your Honor, on the basis of this,
11 unless this is being limited to state of mind, I would
12 move to strike the references beginning with the second
13 sentence, "Mr. Stewart first went," until the sentence
14 that concludes, "he would file a lawsuit," which is the
15 fifth line down on page 27.

16 JUDGE STIRMER: Basis that this witness is
17 not the proper witness?

18 MR. SHOOK: This witness is not --

19 JUDGE STIRMER: All right. Do you want to be
20 heard on that, Mr. Dunne? I think this witness has no
21 personal knowledge of what Mr. Crutchfield told Mr.
22 Stewart. She wasn't there. You weren't there when
23 this conversation took place, were you?

24 THE WITNESS: No, Your Honor.

25 MR. DUNNE: Your Honor, but I submit that,

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1 again, if we can't get into personal knowledge, at
2 least we can get in the state of mind. When Mrs.
3 Stewart called Mr. Crutchfield, it was her belief, as
4 stated here, that, one, he needed a booster, which he
5 confirmed; and, two, that he already had threatened
6 KOKS with a lawsuit.

7 JUDGE STIRMER: Did Mr. Stewart tell you
8 about the conversation that he had with Mr.
9 Crutchfield?

10 THE WITNESS: Yes, Your Honor.

11 JUDGE STIRMER: And this was the nature of
12 the conversation that he had with him?

13 THE WITNESS: Yes, Your Honor.

14 JUDGE STIRMER: All right. I will limit it
15 to the state of mind of the witness. Did he tell you
16 that before you called Mr. Crutchfield?

17 THE WITNESS: Yes, Your Honor.

18 JUDGE STIRMER: All right.

19 BY MR. SHOOK:

20 Q Now with respect to your conversations with
21 Mr. Crutchfield -- or at least your conversation. I
22 will keep it to one right at the moment -- did you
23 ascertain from Mr. Crutchfield when he put a booster
24 and/or, I guess a booster and a preamplifier, into his
25 antenna system?

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1 A No, he did not say when he had put them in.

2 Q So, in other words, you don't know that he
3 may have put this on after KOKS came on the air?

4 A He didn't say so.

5 Q Okay. That didn't come up?

6 A That did not come up.

7 Q Now when you visited Mr. Crutchfield in
8 February of 1991, did you ascertain then that Mr.
9 Crutchfield's booster, or when Mr. Crutchfield's
10 booster and preamplifier were put on?

11 A No.

12 MR. SHOOK: Now, Your Honor, four lines up
13 from the bottom, there is a clause there that reads,
14 "but there was no FM blanketing interference on any
15 channel."

16 JUDGE STIRMER: I am going to strike that. I
17 don't this witness is capable to testify to that. That
18 is stricken.

19 MR. SHOOK: And, Your Honor, beginning with
20 the next-to-the-last line, the clause that reads, "and
21 there was no FM blanketing interference on any
22 channel."

23 JUDGE STIRMER: I am going to strike that as
24 well.

25 MR. SHOOK: Okay.

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1 BY MR. SHOOK:

2 Q Moving on to paragraph 35. How many
3 conversations did you have with Sandra Durbin?

4 A I don't recall.

5 Q All right. Well, the first sentence reads,
6 "We last spoke to Mrs. Sandra Durbin in February 1989."
7 Now do you recall any prior conversations?

8 A I just, I really don't remember.

9 Q All right. When it says "we," who is "we"?

10 A I used that term some applying to the
11 station. It just is a term that I use sometimes.

12 Q All right. Well, I mean, did you speak with
13 her?

14 A I spoke with her, yes.

15 Q All right. So we could say, "I last spoke"?

16 A Yes. I, yes.

17 Q Now did you go to Sandra Durbin's residence?

18 A Yes.

19 Q Now I would like you to turn to Mass Media
20 Exhibit 5, pages 11 and 12. Now do you recall
21 receiving these documents and reading them?

22 A I am sure I did. I don't -- you know, I am
23 sure I received them.

24 Q Okay. Do you recall doing anything after you
25 read them besides filing them?

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1 A No.

2 Q Okay. I would like you to turn to Mass Media
3 Exhibit 19.

4 A Yes.

5 Q Page 2.

6 A Two? Okay.

7 Q Under the section VI, "Complaints Cured,"
8 last line. Do you see Sandra Durbin's name?

9 A Yes.

10 Q And this was information that you transmitted
11 to counsel?

12 A Yes.

13 JUDGE STIRMER: Now, Mrs. Stewart, you seem
14 to have a repeated reference in here to statements made
15 to the Commission that these people were satisfied, and
16 yet we have evidence that these people were not at all
17 satisfied. Now can you explain to me why you told the
18 Commission that these people were satisfied?

19 THE WITNESS: At the point when I was there,
20 they were satisfied. The ones that I reported
21 satisfied, when I was there I reported it as it was at
22 that time, Your Honor.

23 JUDGE STIRMER: But didn't they thereafter
24 submit additional complaints?

25 THE WITNESS: I just missed this one. There

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1 | were some that I missed. It had been a very hard year
2 | in '89, and some of these I just missed picking up on.

3 | JUDGE STIRMER: Did you then turn around and
4 | tell the Commission, "We have made a mistake; that
5 | these aren't satisfied, but we are now taking
6 | additional efforts to satisfy them"?

7 | THE WITNESS: In 1991, we did.

8 | JUDGE STIRMER: You did do that?

9 | THE WITNESS: Uh-huh. We went out to her --
10 | we went to these homes in 1991.

11 | JUDGE STIRMER: I mean, did you tell the
12 | Commission that we had made a mistake earlier --

13 | THE WITNESS: I don't recall doing that, Your
14 | Honor.

15 | JUDGE STIRMER: -- in telling you that we had
16 | satisfied these various people? You never told them
17 | that?

18 | THE WITNESS: I don't recall doing that, Your
19 | Honor.

20 | JUDGE STIRMER: All right.

21 | THE WITNESS: Let me clarify, Your Honor. On
22 | Sandra Durbin, we did not go in '91 because her name
23 | was not on the list of the 200.

24 | JUDGE STIRMER: You had previously indicated
25 | to the Commission that she was one of the satisfied

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1 individuals?

2 THE WITNESS: Yes.

3 JUDGE STIRMER: And that her complaint had
4 been resolved?

5 THE WITNESS: Yes, sir.

6 JUDGE STIRMER: All right.

7 MR. SHOOK: Right.

8 BY MR. SHOOK:

9 Q Well, along those lines, two things. First,
10 turn to Mass Media Exhibit 21, page 9.

11 A Yes.

12 Q Reference No. 23.

13 A Yes.

14 Q This was information that you transmitted to
15 counsel. Correct?

16 A Yes, true.

17 Q Okay. Mass Media Exhibit No. 5, pages 15 and
18 17.

19 A Fifteen and seventeen?

20 Q Right. Or actually 14, 15 and 17.

21 A Okay.

22 Q So why don't start with page -- start with
23 page 17. I managed to get these out of order.

24 A Exhibit 5?

25 Q Right, page 17. Okay. So do you have that?

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1 A Yes, I do.

2 Q All right. Do you see that the document is
3 dated 12/1/89?

4 A Yes.

5 Q And you did receive this document?

6 A I am sure I did.

7 Q All right. And you read it?

8 A I don't know if I did. I don't recall
9 reading it, but I am sure I received it.

10 Q Your general practice, though, was to read
11 these when they came in?

12 A Yes, it was.

13 Q All right. And pages 14 and 15?

14 A Fourteen and fifteen?

15 Q Now have you seen these before?

16 A Yes, we received these from the FCC.

17 Q Okay. You did?

18 A Yes.

19 Q And you read through them?

20 A Yes.

21 Q Do you recall receiving the one relative to
22 Sandra Durbin?

23 A I'm sorry?

24 Q Do you recall reading these pages, pages 14
25 and 15?

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1 A Yes.

2 Q Do you recall what, if anything, that you did
3 as a consequence of reading these pages?

4 A No, I don't.

5 Q All right. Now I would like you to refer to
6 Mass Media Exhibit 25.

7 A Okay.

8 Q Page 3, footnote 5.

9 A Yes.

10 Q Okay. Do you see Sandra Durbin's name there?

11 A Yes.

12 Q Do you know why it is there?

13 A Yes.

14 Q Now did you ever tell the Commission
15 subsequent to receiving this that Sandra Durbin had
16 continued to complain?

17 A I don't recall.

18 Q Moving on to paragraph 36 of your testimony.

19 A Yes.

20 Q The last line and the sentence that carries
21 over to page 29. Now what do you mean here by "all of
22 their local channels"?

23 A I would assume 12, 15 and 8.

24 Q Channels 8, 12 and 15?

25 A I would assume.

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1 Q Right. You are excluding 6, though?

2 A Yes.

3 Q Right.

4 A We were very much under the impression that
5 we did not have to do anything for Channel 6.

6 MR. SHOOK: Your Honor, I may be just about
7 finished. Your Honor, I have no further questions.

8 JUDGE STIRMER: Very well. Redirect
9 examination, Mr. Dunne?

10 MR. DUNNE: Yes, I do have some redirect
11 examination, Your Honor, but I am wondering if this
12 might be an appropriate time for a short break.

13 JUDGE STIRMER: Will that expedite your
14 redirect?

15 MR. DUNNE: It certainly would!

16 JUDGE STIRMER: All right. Then let's take a
17 five-minute recess at this time.

18 MR. DUNNE: Thank you, Your Honor.

19 JUDGE STIRMER: On the record. Mr. Dunne,
20 redirect examination?

21 MR. DUNNE: Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. DUNNE:

24 Q Mrs. Stewart, I believe it was your direct
25 testimony that you don't have a distinct recollection

1 of how many string filters that the station installed?

2 A No, I don't.

3 Q Do you have even an approximate guess about
4 how many filters were installed?

5 A Not really, I don't.

6 Q Do you have any recollection at all of how
7 many filters, what you called the O-75 filters, that
8 were installed?

9 A Thirty, forty, maybe fifty. I am not sure.
10 I am not sure.

11 Q And there were a certain number of filters
12 that were just given away at the station. Is that
13 correct?

14 A That's true, that's true.

15 Q To the best of your recollection, over, say
16 beginning in October 1988 until October 1990, that time
17 frame, did anyone ever call the station and ask for
18 filters or technical advice?

19 A Yes.

20 Q And if they asked for filters, what was the
21 station's normal response?

22 A We would give them one.

23 Q Without cost?

24 A Without cost.

25 Q And regardless of whether you could determine

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1 | whether they were in the blanketing contour or not?

2 | A That is correct.

3 | Q And what sort of filters did you give these
4 | people who called for --

5 | A We gave the O-75.

6 | Q The O-75?

7 | A Yes.

8 | Q And, again, do you remember how many people
9 | might have picked up filters at the station in response
10 | to calls?

11 | A In that time frame? I wasn't keeping a list
12 | of them then. I would say probably 20 or 25.

13 | Q Okay. You indicated that you have been
14 | keeping a list since then. Is that correct?

15 | A Yes, of the 89.5 filters. I have kept a list
16 | of those that's gone out.

17 | Q Okay. And of those filters, how many of
18 | those have you given out?

19 | A In the 30s, 35, 30, in the 30s.

20 | Q Okay. And these are given to people who just
21 | call up?

22 | A Yes, sir.

23 | Q And they are given to people without regard
24 | to whether they live within the blanketing contour or
25 | not?

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1 A Yes.

2 Q And they just come by and pick the filter up?

3 A That's right, yes.

4 Q Are you usually there when these filters are
5 given away?

6 A Most of the time, but sometimes they will
7 come in later in the afternoon, in the evening, and the
8 deejay on duty, I leave him instructions. And I will
9 put the filters in an envelope and ask them to just
10 sign the paper that I have got there saying that they
11 picked up a filter.

12 Q Okay. For those people that come in, do they
13 normally talk to you about what the kind of problem
14 they have?

15 A When I am there, yes.

16 Q And generally what are the complaints of the
17 people who come in?

18 A Channel 6.

19 Q When people come in to pick up these filters,
20 do you just hand them a filter?

21 A I give them the filter and have them sign a
22 paper, and I also ask them what channel they are having
23 a problem on.

24 Q Okay. Do you give them any advice about the
25 installation?

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1 A Yes, I do. I ask them if they have a
2 booster, and I tell them how to install it if they do
3 have a booster.

4 Q Is it your understanding -- let's begin in
5 October 1988. Was it your understanding in October of
6 1988 that you had any obligation to people who had
7 boosters or preamplifiers except to give them technical
8 advice?

9 A Yes.

10 Q And that understanding was based on what,
11 Mrs. Stewart?

12 A On a letter that we received from
13 Karen Raines from the FCC Field Office in Kansas City,
14 Missouri.

15 Q And that is still your understanding. Is
16 that correct?

17 A That is still my understanding.

18 Q That those people who have boosters and
19 preamplifiers, the only thing that you are obligated to
20 give them is technical advice?

21 A Yes.

22 Q Do you know how many who come in and pick up
23 the O-75 filters, for example, have boosters?

24 A There were several. So many people in our
25 area use boosters because of it being a fringe area for

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1 most TV reception, and so boosters are very common.

2 Q Do you have any approximate number?

3 A Probably 10, 12, 15, somewhere in that area.

4 Q Do you remember any specific names?

5 A No, I don't, because I didn't write down
6 those names.

7 Q Okay. Going now to the 89.5 trap filters, I
8 believe you testified that you have given these filters
9 to people who have boosters?

10 A Yes.

11 Q Do you have an idea of about how many filters
12 you give the people who have boosters?

13 A I would say probably out of -- probably 20 of
14 those that's came in has had boosters.

15 Q Do you remember the specific people who have
16 come in?

17 A I remember a man by the name of Steve Fisher
18 that came in and got one, and he had a booster.

19 Q Any others?

20 A I can't recall a name right at this time.

21 Q Mrs. Stewart, I believe it was your testimony
22 that Mr. Abernathy basically made -- you said designed,
23 but I think you changed your testimony to "made" the
24 string filters. Is that correct?

25 A Yes.

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1 Q Did he do this all at once?

2 A He did it on a -- he had some kind of an
3 instrument that he measured just how long this piece of
4 wire would need to be.

5 Q And essentially the way he made these
6 instruments was to essentially take the instrument, cut
7 the wire and put a connector on it.

8 A Right.

9 Q Is that correct?

10 A That's right.

11 Q And there was no other materials that went
12 into the filter other than that. Right?

13 A That is correct.

14 Q But, of course, there was Mr. Abernathy. Do
15 you know how long it took them to make these filters?

16 A I don't recall, no, but he spent some time on
17 it.

18 Q Okay. At the time you first began, first
19 started receiving complaints in October 1988 -- let's
20 say October 1988 through January 1, 1989 -- how many
21 people worked at the station?

22 A There was about, at that time there was
23 between two and five volunteers, some of them just a
24 half a day at a time, and there was four people full
25 time.

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1 Q There were four full-time people?

2 A Oh, no, there was only two full-time people
3 and three part-time people.

4 Q All right. And they were paid employees?

5 A Yes.

6 Q Is that your testimony?

7 A And then we had a few volunteers that came in
8 a half a day at a time.

9 Q And what did the volunteers do?

10 A Mainly answered the telephone.

11 Q Do you have a heavy phone traffic, Mrs.
12 Stewart?

13 A Yes, yes.

14 Q What do you attribute the heavy phone traffic
15 to? I mean other than complaints.

16 A We have music segments, and people call in
17 for their requests for music.

18 Q Okay. And the volunteers primarily performed
19 the function of fielding these complaints?

20 A Yes.

21 Q Okay. Can you, from October 1 -- say,
22 October 1988 through January 1, 1989, do you recall how
23 many of these complaints you received from the
24 Commission?

25 A Over 900.

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1 Q Over 900?

2 A Uh-huh.

3 Q When I say "these complaints," I am
4 referencing the complaints that Mr. Shook has referred
5 to you in your testimony. For example, in Mass Media
6 Exhibit 17, page 12. That would be a complaint --

7 A Yes.

8 Q -- that we are referring to now? Right?

9 A Yes.

10 Q Did these complaints come to you all at once?

11 A No, they came in bunches.

12 Q Do you recall -- to the best of your
13 recollection, do you recall in what kinds of bunches?
14 All at once? Staggered?

15 A I remember 250 coming at one time. And it
16 would be different, 50, maybe 55 in one bunch, and
17 numbers like that.

18 Q Okay.

19 A But I think the largest bunch was about 250.

20 Q Okay. Do you recall -- and this, you
21 received these, how many complaints did you say you
22 received?

23 A Over 900.

24 Q Okay. And you received over 900 complaints
25 between what time and what time?

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